

THE  
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JULY 12TH, 1907.

DIVISIONAL COURT.

CHICAGO LIFE INSURANCE CO. v. DUNCOMBE.

*Principal and Surety—Bond for Fidelity of Agent of Insurance Company—Advances to Agent and Premiums not Paid over—Construction of Bond—Application to Existing Agreement between Agent and Company—Withholding from Surety Information as to Material Facts—Release.*

Appeal by plaintiffs from judgment of BRITTON, J., 8 O. W. R. 898, dismissing the action.

C. St. Clair Leitch, Dutton, for plaintiffs, appellants.

J. M. Glenn, K.C., for defendant T. H. Duncombe, the respondent.

The judgment of the Court (MEREDITH, C.J., MACMAHON, J., MAGEE, J.), was delivered by

MEREDITH, C.J.:—The action is upon a bond entered into by the respondent and R. L. Duncombe, an agent of the appellants, with the appellants, bearing date 8th May, 1906, by which the obligors became bound to the appellants that, amongst other things, R. L. Duncombe would well and faithfully perform his duties as agent of the appellants, and would also well and truly pay over "all moneys which he now owes or hereafter may owe said company, or for which he may be liable to said company on account of loans or advances made to said R. L. Duncombe during the continuance